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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/803,257      | 03/09/2001  | Oliver W. Gamble     | 3670-4002           | 7057             |

7590

03/24/2006

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NEW YORK, NY 10021

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| EXAMINER |
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GAUTHIER, GERALD

|          |              |
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| ART UNIT | PAPER NUMBER |
|----------|--------------|

2614

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/803,257

Applicant(s)

GAMBLE, OLIVER W.

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 56-87,91,94,96,100,107,108 and 111-125 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 56-87,91,94,96,100,107,108 and 111-125 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Objections***

1. **Claim(s) 56** is objected to because of the following informalities: **claim(s) 56** is not a full sentence. Correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. **Claim(s) 56-87, 91, 94, 96, 100, 107, 108, and 111-125**, rejected under 35 U.S.C. 102(a) as being anticipated by Mankovitz (US 5,915,026).

Regarding **claim(s) 56, 59, 67, 70, 78, 81, 91, 94, 96, 111-123 and 125**, Mankovitz discloses a method for controlling one or more remote targeted devices over a communication network by accessing a central computer, selecting a specific targeted device at a remote location, and entering instruction that will control the future behavior of said targeted device at said remote location (FIG. 1 and column 1, lines 6-11), comprising:

accessing a central computer using a plurality of remote data entry points (column 3, lines 48-65);

accessing a central computer using a plurality of remote data entry modes  
(column 2, lines 42-45);

a central computer able to process and store instructions inputted from a plurality  
of data entry points (column 2, lines 30-41);

a central computer able to determine if incoming instructions are authorized to be  
accepted and forwarded to a specific remote location (column 6, lines 23-43);

a central computer able to forward instructions over a communication system to a  
chosen remote location where said instructions will be relayed to a targeted device  
(column 4, lines 27-34);

a targeted device accepting instructions that will control said device future  
behavior (column 4, lines 54-66).

Regarding **claim(s) 57, 60, 68, 71 and 79**, Mankovitz discloses a method, further  
comprising:

a central computer receiving one or more DTMF tones over said communication  
network (column 2, lines 20-40); and

translating said tones into said instructions that can affect the future behavior of a  
specific device located at a remote location (column 2, lines 20-40).

Regarding **claim(s) 58, 61, 69 and 72**, Mankovitz discloses a method, further  
comprising:

a central computer determining what information is encoded within a string of DTMF tones by analyzing order in which DTMF tones are received (column 4, lines 11-26); and

generating instructional coding that corresponds to the detected sequence of DTMF tones (column 4, lines 11-26).

Regarding **claim(s) 62 and 73**, Mankovitz discloses a method, wherein the DTMF tones encoding information are transmitted by a central server over a telecommunication network to a site remote to both the server and the remote data entry terminal (column 4, lines 1-10).

Regarding **claim(s) 63, 74, 107 and 124**, Mankovitz discloses a method, wherein the DTMF tones encoding information are transmitted over the Internet to a central server where information and instructions are extracted and process before being processed on to a remote targeted site where said instructions call affect the future behavior of an appliance (column 4, lines 43-53).

Regarding **claim(s) 64, 75, 82, 86 and 108**, Mankovitz discloses a method, further comprising: a device at the remote site converting said DTMF tones received from the central computer into infrared light signals containing instructions that call control the behavior of the targeted appliance (column 4, lines 43-53).

Regarding **claim(s) 65, 76, 83 and 86**, Mankovitz discloses a method, further comprising: a device at the remote site converting said DTMF tones received from the central computer into audio signals containing instructions that call control the behavior of the targeted appliance (column 4, lines 11-26).

Regarding **claim(s) 66, 77, 84 and 85**, Mankovitz discloses a method, further comprising: the device at the remote site converting said DTMF tones received from the central computer into electrical signals containing instructions that are conveyed by cable to the target appliance, and wherein said instructions will control the future behavior of the targeted appliance (column 4, lines 35-42).

### ***Response to Arguments***

4. Applicant's arguments with respect to **claim(s) 56-87, 91, 94, 96, 100, 107, 108, and 111-125** have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539 . The examiner can normally be reached on 8:00 AM to 4:30 PM .

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547 . The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system . Status information for published applications may be obtained from either Private PAIR or Public PAIR . Status information for unpublished applications is available through Private PAIR only . For more information about the PAIR system, see <http://pair-direct.uspto.gov> . Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) .

  
**GERALD GAUTHIER**  
**PATENT EXAMINER**

Gerald Gauthier  
Examiner  
Art Unit 2645

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March 20, 2006